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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,715

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Mark L. Larson

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04/28/2009

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EXAMINER

LE, HUYEN D

ART UNIT

PAPER NUMBER

2614

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,715	<b>Applicant(s)</b> LARSON ET AL.	
	<b>Examiner</b> HUYEN D. LE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 25-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 13-20, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9-12, 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/06/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-24 in the reply filed on 02/17/09 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8, 13-20, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Skiver et al. (US 2002/0080021).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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Regarding claims 1 and 18, Skiver et al. teaches a method and an apparatus of an interior rearview mirror assembly comprising an accessory (16, 42, 44), and a reflective element (14) having a mounting plate (12, 50) at a rearward surface thereof (figures 2, 3). As broadly claimed, the mounting plate (12) includes a first portion of a pocket (the pocket formed by the housing 12, the bezel 13 and the reflective element 14) for at least partially receiving the accessory therein. Skiver further shows a bezel (13) receiving the reflective element (14) therein, wherein the bezel (13) includes a second portion of the pocket, and wherein the first and second portions at least partially receiving and securing the accessory therebetween.

Regarding claims 2 and 19, Skiver teaches the accessory that comprises a microphone module (44).

Regarding claim 3, as broadly claimed, the second portion of the bezel (13) comprises an accessory tab (figure 3), and the first portion of the mounting plate (12) comprises a platform extending from the mounting plate (figures 2, 3).

Regarding claims 8 and 22, as broadly claimed, Skiver et al. teaches an acoustic cover (44a) positioned at least partially over the at least one inlet port of the microphone module as claimed.

Regarding claim 13, Skiver shows the accessory that includes flexible ridges (42, 42d), wherein one of the first and second portions of the pocket engaging the flexible ridges to secure the accessory (42) between the first and second portions as claimed (figures 2, 4).

Regarding claim 14, Skiver teaches a printed circuit board (22) as claimed.

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Regarding claim 15, Skiver teaches a housing (12) and the bezel (13) securing to the housing (12) to at least partially encase the reflective element (14), the mounting plate (50), the accessory and the printed circuit board as claimed.

Regarding claim 16, as broadly claimed, the housing (12) includes a recessed portion for at least partially receiving the pocket and the accessory as claimed (figures 2, 3, 4).

Regarding claim 17, as broadly claim, the accessory (16, 42, 44) at least partially protrudes through the second portion of the bezel (figures 2, 3) and the accessory (42, 44) is generally flush with the second portion and the housing.

Regarding claim 20, the second portion of the mounting plate (12) comprises a platform (50) extending from the mounting plate, and the first portion (13) of the pocket comprises an upper retainer extending from the bezel portion.

Regarding claim 24, as broadly claimed, Skiver teaches the method including attaching a casing (18, 86, 21, 22) to the bezel portion (13).

#### ***Allowable Subject Matter***

4. Claims 4-7, 9-12, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Hutzel et al. (US 6,648,477) teaches rearview mirror assembly with information display.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUYEN D. LE/  
Primary Examiner, Art Unit 2614

HL  
April 25, 2009